



2.6.2021

OPINION

of the Committee on Budgets

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation (COM(2020)0796 – C9-0401/2020 – 2020/0349(COD))

Rapporteur for opinion: Niclas Herbst

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SHORT JUSTIFICATION

The July 2020 EU Security Union Strategy¹ painted a picture of a rapidly evolving security threat landscape across the Union and set out a number of steps to future-proof the Union's security policy, to tackle evolving threats and to build a strong European security ecosystem. A key plank of the Strategy is the planned reinforcement of Europol's mandate. It is part of a package of measures presented by the Commission in December 2020 to strengthen the EU response to terrorism, including a proposal amending the Schengen Information System Regulation² to enable Europol to enter data in the SIS.

The proposal extends the existing Europol mandate, inter alia, to enable the agency to cooperate effectively with private parties and to support Member State investigations involving large, complex datasets, to strengthen its role with respect to research and innovation and to improve cooperation with the European Public Prosecutor's Office. Your Rapporteur welcomes the central aims of the proposal and considers that Europol should be properly equipped to deal with a fast-changing security landscape and provide optimal support to Member States.

In line with his role as standing Rapporteur in the Committee on Budgets for decentralised agencies, your Rapporteur focuses in particular on the financial provisions, governance rules and provisions relating to reporting and evaluation to ensure proper parliamentary scrutiny. He therefore focuses on assessing whether the provisions in the Commission proposal are in line with the:

- European Parliament resolution of 14 February 2019 on the implementation of the legal provisions and the Joint Statement ensuring parliamentary scrutiny over decentralised agencies (Schoepflin report)³
- Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July 2012 and the Common Approach⁴
- Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁵

He also analyses the proposal in light of the Court of Auditors Special Report on the 'Future of EU agencies'⁶ and the study by the Policy Department for Citizens' Rights and Constitutional Affairs on 'EU agencies and conflicts of interest'⁷.

Overall, the Rapporteur welcomes the proposal from the Commission with regard to these aspects. However, he proposes a number of amendments to align the Europol regulation with

¹ [COM/2020/605 final](#)

² [COM\(2020\) 791 final](#)

³ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134_EN.html

⁴ [joint_statement_and_common_approach_2012_en.pdf](#)

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0715>

⁶ https://www.eca.europa.eu/Lists/ECADocuments/SR20_22/SR_Future_of_EU_Agencies_EN.pdf

⁷ [https://www.europarl.europa.eu/RegData/etudes/STUD/2020/621934/IPOL_STU\(2020\)621934_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/621934/IPOL_STU(2020)621934_EN.pdf)

the Commission Delegated Regulation governing decentralised agencies with respect to the requirement to produce a single programming document containing multiannual programming and annual work programmes. He also clarifies provisions designed to avoid conflicts of interest - even perceived - with respect to Europol's proposed role in the design and implementation of research programmes. Finally, he introduces some changes to strengthen parliamentary scrutiny and the provisions governing evaluation and reporting.

Budgetary impact of the proposal

The proposed reinforcement of the Europol mandate would require additional commitment and payment appropriations of 178 million EUR under Heading 5 and 8.5 million EU under Heading 7. The Legislative Financial Statement makes clear that the “budgetary impact of the additional financial resources for Europol will be offset through a compensatory reduction from programmed spending under Heading 4”. Furthermore, the Commission's financial programming specifies that Europol is to receive a budgetary reinforcement from the ‘Integrated Border Management Fund - Border Management and Visa Instrument’.

Your Rapporteur notes that the ‘IBMF - Border Management and Visa Instrument’ benefits from a 1 billion EUR top-up through a programme-specific adjustment agreed during the MFF negotiations, meaning there was a clear political will to reinforce the instrument. Moreover, the additional tasks assigned to Europol under the proposal are not tasks that would otherwise be carried out under the ‘IBMF - Border Management and Visa Instrument’. Your Rapporteur therefore regrets the fact that the proposal, which came in the immediate aftermath of a political agreement on the MFF, entails a de facto reduction in the financial envelope just agreed for the ‘IBMF - Border Management and Visa Instrument’.

He recalls, in that regard, that, under point 27 of the Interinstitutional Agreement of 16 December 2020⁸, the final financial statement accompanying the legislative act is to be placed on the agenda of the final legislative trilogue for endorsement and is to be placed on the agenda of a subsequent budgetary trilogue with a view to reaching an agreement on the financing.

AMENDMENTS

The Committee on Budgets calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) Europe faces a security landscape

Amendment

(2) Europe faces a security landscape

⁸ [OJ L 433I, 22.12.2020, p. 28.](#)

in flux, with evolving and increasingly complex security threats. Criminals and terrorists exploit the advantages that the digital transformation and new technologies bring about, including the inter-connectivity and blurring of the boundaries between the physical and digital world. The COVID-19 crisis has added to this, as criminals have quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities. Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens.

in flux, with evolving and increasingly complex security threats. Criminals and terrorists exploit the advantages that the digital transformation and new technologies bring about, including the inter-connectivity and blurring of the boundaries between the physical and digital world. The COVID-19 crisis has added to this, as criminals have quickly seized opportunities to exploit the crisis by adapting their modes of operation or developing new criminal activities, ***which instrumentalise and exploit the debts and the lack of income brought about by the COVID-19 crisis. The Union's economic recovery depends largely on its capacity to prevent and eradicate financial crime.*** Terrorism remains a significant threat to the freedom and way of life of the Union and its citizens.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) As Europe faces increasing threats from organised crime groups and terrorist attacks, an effective law enforcement response must include the availability of well-trained interoperable special intervention units specialised in the control of crisis situations. In the Union, the law enforcement units of the Member State cooperate on the basis of Council Decision 2008/617.⁵³ Europol should be able to provide support to these special intervention units, including by providing operational, technical and financial support.

Amendment

(4) As Europe faces increasing threats from organised crime groups and terrorist attacks, an effective law enforcement response must include the availability of well-trained interoperable special intervention units specialised in the control of crisis situations. ***Such operationalisation of investigative instruments available in the Union's legal framework is especially necessary in view of the unprecedented mobilisation of much higher amounts of financial resources under Next Generation EU.*** In the Union, the law enforcement units of the Member State cooperate on the basis of Council Decision 2008/617.⁵³ Europol should be able to provide support to these special intervention units, including by providing operational, technical and

⁵³ Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008).

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In recent years large scale cyber attacks targeted public and private entities alike across many jurisdictions in the Union and beyond, affecting various sectors including transport, health and financial services. Cybercrime and cybersecurity cannot be separated in an interconnected environment. The prevention, investigation and prosecution of such activities is supported by coordination and cooperation between relevant actors, including the European Union Agency for Cybersecurity ('ENISA'), competent authorities for the security of network and information systems ('NIS authorities') as defined by Directive (EU) 2016/1148⁵⁴, law enforcement authorities and private parties. In order to ensure the effective cooperation between all relevant actors at Union and national level on cyber attacks and security threats, Europol should cooperate with the ENISA through the exchange of information and by providing analytical support.

⁵⁴ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high

financial support.

⁵³ Council Decision 2008/617/JHA of 23 June 2008 on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (OJ L 210, 6.8.2008).

Amendment

(5) In recent years large scale cyber attacks, ***including attacks originating from third countries***, targeted public and private entities alike across many jurisdictions in the Union and beyond, affecting various sectors including transport, health and financial services. Cybercrime and cybersecurity cannot be separated in an interconnected environment. The prevention, investigation and prosecution of such activities is supported by coordination and cooperation between relevant actors, including the European Union Agency for Cybersecurity ('ENISA'), competent authorities for the security of network and information systems ('NIS authorities') as defined by Directive (EU) 2016/1148⁵⁴, law enforcement authorities and private parties. In order to ensure the effective cooperation between all relevant actors at Union and national level on cyber attacks and security threats, Europol should cooperate with the ENISA through the exchange of information and by providing analytical support.

⁵⁴ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high

common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30).

common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1–30).

Amendment 4

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) High-risk criminals play a leading role in criminal networks and pose a high risk of serious crime to the Union’s internal security. To combat high-risk organised crime groups and their leading members, Europol should be able to support Member States in focusing their investigative response on identifying these persons, their criminal activities and the members of their criminal networks.

Amendment

(6) High-risk criminals play a leading role in criminal networks and pose a high risk of serious crime to the Union’s internal security. To combat high-risk organised crime groups and their leading members, Europol should be able to support Member States in focusing their investigative response on identifying these persons, their criminal activities and ***financial assets, and*** the members of their criminal networks, ***as well persons belonging to the national political and financial institutions who are involved in crimes via corruption schemes. Europol should also support Member States in the recovery of criminal assets for their subsequent introduction into public funds.***

Amendment 5

Proposal for a regulation Recital 11

Text proposed by the Commission

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol’s objectives. ***When*** Europol ***assists the Commission in identifying key research themes, drawing up and***

Amendment

(11) In order to help EU funding for security research to develop its full potential and address the needs of law enforcement, Europol should assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol’s objectives. ***In order to avoid any conflicts of interest, Europol should not receive funding from*** Union framework

implementing a Union framework programme, it should not receive funding from that programme in accordance with the conflict of interest principle.

programmes in which it plays an active role in design or implementation.

Amendment 6

Proposal for a regulation Recital 13

Text proposed by the Commission

(13) Europol provides specialised expertise for countering serious crime and terrorism. Upon request by a Member State, Europol staff should be able to provide operational support to that Member State's law enforcement authorities on the ground in operations and investigations, in particular by facilitating cross-border information exchange and providing forensic and technical support in operations and investigations, including in the context of joint investigation teams. Upon request by a Member State, Europol staff should be entitled to be present when investigative measures are taken in that Member State and assist in the taking of these investigative measures. Europol staff should not have the power to execute investigative measures.

Amendment

(13) Europol provides specialised expertise for countering serious crime and terrorism. Upon request by a Member State, Europol staff should be able to provide operational support to that Member State's law enforcement authorities on the ground in operations and investigations, in particular by facilitating cross-border information exchange and providing forensic and technical support in operations and investigations, including in the context of joint investigation teams, ***as well as in the recovery of assets***. Upon request by a Member State, Europol staff should be entitled to be present when investigative measures are taken in that Member State and assist in the taking of these investigative measures. Europol staff should not have the power to execute investigative measures.

Amendment 7

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) One of Europol's objectives is to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combatting forms of crime which affect a common interest covered by a Union policy. To strengthen that support, Europol should be able to request the

Amendment

(14) One of Europol's objectives is to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combatting forms of crime which affect a common interest covered by a Union policy. To strengthen that support, Europol should be able to request the

competent authorities of a Member State to initiate, conduct or coordinate a criminal investigation of a crime, which affects a common interest covered by a Union policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust of such requests.

competent authorities of a Member State to initiate, conduct or coordinate a criminal investigation of a crime, which affects a common interest covered by a Union policy, even where the crime concerned is not of a cross-border nature. Europol should inform Eurojust **and the European Public Prosecutor's Office** of such requests.

Amendment 8

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) Given the borderless nature of the internet, these services can often be provided from anywhere in the world. As a result, victims, perpetrators, and the digital infrastructure in which the personal data is stored and the service provider providing the service may all be subject to different national jurisdictions, within the Union and beyond. Private parties may therefore hold data sets relevant for law enforcement which contain personal data with links to multiple jurisdictions as well as personal data which cannot easily be attributed to any specific jurisdiction. National authorities find it difficult to effectively analyse such multi-jurisdictional or non-attributable data sets through national solutions. When private parties decide to lawfully and voluntarily share the data with law enforcement authorities, they do currently not have a single point of contact with which they can share such data sets at Union-level. Moreover, private parties face difficulties when receiving multiple requests from law enforcement authorities of different countries.

Amendment

(27) Given the borderless nature of the internet, these services can often be provided from anywhere in the world. As a result, victims, perpetrators, and the digital infrastructure in which the personal data is stored and the service provider providing the service may all be subject to different national jurisdictions, within the Union and beyond. Private parties may therefore hold data sets relevant for law enforcement which contain personal data with links to multiple jurisdictions as well as personal data which cannot easily be attributed to any specific jurisdiction. National authorities find it difficult to effectively analyse such multi-jurisdictional or non-attributable data sets through national solutions. ***Europol should have in place measures to facilitate the cooperation of private parties, including with respect to the sharing of information.*** When private parties decide to lawfully and voluntarily share the data with law enforcement authorities, they do currently not have a single point of contact with which they can share such data sets at Union-level. Moreover, private parties face difficulties when receiving multiple requests from law enforcement authorities of different countries.

Amendment 9

Proposal for a regulation Recital 40

Text proposed by the Commission

(40) Providing Europol with additional tools and capabilities requires reinforcing the democratic oversight and accountability of Europol. Joint parliamentary scrutiny constitutes an important element of political monitoring of Europol's activities. To enable effective political monitoring of the way Europol applies additional tools and capabilities, Europol should provide the Joint Parliamentary Scrutiny Group with annual information on the use of these tools and capabilities and the result thereof.

Amendment

(40) Providing Europol with additional tools and capabilities requires reinforcing the democratic oversight, **transparency** and accountability of Europol. Joint parliamentary scrutiny constitutes an important element of political monitoring of Europol's activities. To enable effective political monitoring of the way Europol applies additional tools and capabilities, Europol should provide the Joint Parliamentary Scrutiny Group with annual information on the use of these tools and capabilities and the result thereof. ***Planned research and innovation activities should be set out in the single programming document containing Europol's multiannual programming and annual work programme and transmitted to the Joint Parliamentary Scrutiny Group.***

Amendment 10

Proposal for a regulation Recital 40 a (new)

(40a) It is necessary to provide Europol with additional human and financial resources so that it can fulfil the new objectives, tasks and responsibilities assigned to it under this Regulation. The necessary appropriations should be drawn exclusively from unallocated margins under the relevant MFF heading ceilings or through the mobilisation of the relevant MFF special instruments. The final amount should be authorised by the European Parliament and the Council through the annual budgetary procedure.

Amendment 11

Proposal for a regulation Recital 41

Text proposed by the Commission

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks.

Amendment

(41) Europol's services provide added value to Member States and third countries. This includes Member States that do not take part in measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. Member States and third countries may contribute to Europol's budget based on separate agreements. Europol should therefore be able to receive contributions from Member States and third countries on the basis of financial agreements within the scope of its objectives and tasks. ***Such financial contributions should be entered in the Europol budget as external assigned revenue. In order to ensure transparency and accountability, the amount, origin and purpose of those contributions should be included in the annual accounts and in the annual report on the budgetary and financial management of Europol.***

Amendment 12

Proposal for a regulation Recital 42

Text proposed by the Commission

(42) Since the objective of this Regulation, namely to support and strengthen action by the Member States' law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, cannot be sufficiently achieved by the Member States but can rather, due to the cross-border nature of serious crime and terrorism and the need for a coordinated response to related security threats, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment

(42) Since the objective of this Regulation, namely to support and strengthen action by the Member States' law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy, ***including the illicit online marketing of pharmaceutical products related to the COVID-19 pandemic, the trafficking of human beings, arms, drugs and oil, environmental crime and cybercrime***, cannot be sufficiently achieved by the Member States but can rather, due to the cross-border nature of serious crime and terrorism and the need for a coordinated response to related security threats, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

Amendment 13

Proposal for a regulation Article 1 – paragraph 1 – point 2 – point c Regulation (EU) 2016/794 Article 4 – paragraph 3

Text proposed by the Commission

Europol shall also provide threats assessment analysis supporting the

Amendment

Europol shall also provide threats assessment analysis, ***including the analysis***

Commission and the Member States in carrying out risk assessments.;

of any potential financial impact, supporting the Commission and the Member States in carrying out risk assessments;

Amendment 14

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point d

Regulation (EU) 2016/794

Article 4 – paragraph 4a

Text proposed by the Commission

4a. Europol shall assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve the objectives set out in Article 3. ***When Europol assists the Commission in identifying key research themes, drawing up and implementing a Union framework programme, the Agency shall not receive funding from that programme.***

Amendment

4a. Europol shall assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation activities that are relevant to achieve the objectives set out in Article 3. ***Where Europol plays an active role in the design or implementation of a Union framework programme, it shall not receive funding from that programme. Europol shall take all necessary measures to avoid conflicts of interest.***

Amendment 15

Proposal for a regulation

Article 1 – paragraph 1 – point 4 a (new)

Regulation (EU) 2016/794

Article 11 – paragraph 1 – point a

Present text

“(a) adopt each year, by a majority of two-thirds of its members and in accordance with Article 12, a document containing Europol's multiannual programming and its annual work programme for the following year;”

Amendment

(4a) in Article 11, paragraph 1, point a is replaced by the following:

“(a) adopt each year, by a majority of two-thirds of its members and in accordance with Article 12, a ***single programming document in accordance with Article 32 of the Commission Delegated Regulation (EU) 2019/715^{1a} and the related***

Commission guidelines for the Single Programming Document containing Europol's multiannual programming and its annual work programme for the following year;"

^{1a} Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (OJ L 122, 10.5.2019, p.1).

Amendment 16

Proposal for a regulation

Article 1 – paragraph 1 – point 4 b (new)

Regulation (EU) 2016/794

Article 12 – paragraph 1

Present text

1. The Management Board shall, by 30 November each year, adopt a document containing Europol's multiannual programming and annual work programme, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the JPSG. The Management Board shall forward *that* document to the Council, the Commission and the JPSG.

Amendment

(4b) in Article 12, paragraph 1 is replaced by the following

"1. The Management Board shall, by 30 November each year, adopt a **single programming** document containing Europol's multiannual programming and annual work programme, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission and, as regards the multiannual programming, after having consulted the JPSG. ***If the Management Board decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The obligation to provide a thorough justification shall also apply to the elements raised by the JPSG.*** The Management Board shall forward ***the final single programming*** document to the Council, the Commission and the JPSG."

Amendment 17

Proposal for a regulation

Article 1 – paragraph 1 – point 4 c (new)

Regulation (EU) 2016/794

Article 12 – paragraph 2 – subparagraph 1

Present text

2. The multiannual programming shall set out the overall strategic programming, including the objectives, expected results and performance indicators. It shall also set out the resource planning, including the multiannual budget and staff. It shall include the strategy for relations with third countries and international organisations.

Amendment

(4c) in Article 12, paragraph 2, first subparagraph is replaced by the following

“2. The multiannual programming shall set out the overall strategic programming, including the objectives, expected results and performance indicators. It shall also set out the resource planning, including the multiannual budget and staff. It shall include the strategy for relations with third countries and international organisations **and its planned research and innovation activities.**”

Amendment 18

Proposal for a regulation

Article 1 – paragraph 1 – point 4 d (new)

Regulation (EU) 2016/794

Article 16 – paragraph 5 – point d

Present text

(d) preparing the draft multiannual programming and annual work programmes and submitting **them** to the Management Board, after having consulted the Commission;

Amendment

(4d) in Article 16, paragraph 5, point d is replaced by the following:

“(d) preparing the draft **single programming document containing the** multiannual programming and annual work programmes and submitting **it** to the Management Board, after having consulted the Commission;”

Amendment

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Proposal for a regulation

Article 1 – paragraph 1 – point 9

Regulation (EU) 2016/794

Article 21 – paragraph 8

Text proposed by the Commission

8. If during information-processing activities in respect of an individual investigation or specific project Europol identifies information relevant to possible illegal activity affecting the financial interest of the Union, Europol shall on its own initiative without undue delay provide OLAF with that information.

Amendment

8. If during information-processing activities in respect of an individual investigation or specific project Europol identifies information relevant to possible illegal activity affecting the financial interest of the Union, Europol shall on its own initiative without undue delay provide ***the EPPO and*** OLAF with that information.

Amendment 20

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point d

Regulation (EU) 2016/794

Article 26 – paragraph 6b

Text proposed by the Commission

6b. Europol's infrastructure may be used for exchanges between the competent authorities of Member States and private parties in accordance with the respective Member States' national laws. In cases where Member States use this infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol shall not have access to that data.

Amendment

6b. Europol's infrastructure may be used for exchanges between the competent authorities of Member States and private parties in accordance with the respective Member States' national laws. In cases where Member States use this infrastructure for exchanges of personal data on crimes falling outside the scope of the objectives of Europol, Europol shall not have access to that data. ***In order to identify possible security risks posed by the opening of its infrastructure for use by private parties, Europol shall carry out an assessment and, where necessary, implement appropriate preventive and mitigating measures.***

Amendment 21

Proposal for a regulation

Article 1 – paragraph 1 – point 37 – point a

Regulation (EU) 2016/794

Article 51 – paragraph 3 – point f

Text proposed by the Commission

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, including specific **examples of cases** demonstrating why these requests were necessary for Europol to fulfil its objectives and tasks;

Amendment

(f) annual information about the number of cases in which Europol issued follow-up requests to private parties or own-initiative requests to Member States of establishment for the transmission of personal data in accordance with Article 26, including specific **information** demonstrating why these requests were necessary for Europol to fulfil its objectives and tasks;

Amendment 22

Proposal for a regulation

Article 1 – paragraph 1 – point 37 – point a
Regulation (EU) 2016/794
Article 51 – paragraph 3 – point g

Text proposed by the Commission

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including **examples of such cases** demonstrating why this data processing was necessary;

Amendment

(g) annual information about the number of cases where it was necessary for Europol to process personal data outside the categories of data subjects listed in Annex II in order to support Member States in a specific criminal investigation in accordance with Article 18a, including **specific information** demonstrating why this data processing was necessary;

Amendment 23

Proposal for a regulation

Article 1 – paragraph 1 – point 37 – point a
Regulation (EU) 2016/794
Article 51 – paragraph 3 – point h

Text proposed by the Commission

(h) annual information about the number of cases in which Europol issued alerts in the Schengen Information System in accordance with Article 4(1)(r), and the

Amendment

(h) annual information about the number of cases in which Europol issued alerts in the Schengen Information System in accordance with Article 4(1)(r), and the

number of ‘hits’ these alerts generated, including specific *examples of cases* demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;

number of ‘hits’ these alerts generated, including specific *information* demonstrating why these alerts were necessary for Europol to fulfil its objectives and tasks;

Amendment 24

Proposal for a regulation

Article 1 – paragraph 1 – point 38

Regulation (EU) 2016/794

Article 57 – paragraph 4

Text proposed by the Commission

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. Contributions *may be received* from countries with *whom Europol* or the Union has an agreement providing for financial contributions *to Europol* within the scope of Europol’s objectives and tasks. The amount of the contribution shall be determined in the respective agreement.;

Amendment

4. Europol may benefit from Union funding in the form of contribution agreements or grant agreements in accordance with its financial rules referred to in Article 61 and with the provisions of the relevant instruments supporting the policies of the Union. *Europol may receive* contributions from countries with *which it* or the Union has *concluded* an agreement providing for financial contributions within the scope of Europol’s objectives and tasks. The amount of the contribution shall be determined in the respective agreement. *The amount, origin and purpose of such contributions shall be included in the annual accounts of Europol and clearly detailed in the annual report on the Agency’s budgetary and financial management referred to in paragraph 2 of Article 60.*

Amendment 25

Proposal for a regulation

Article 1 – paragraph 1 – point 38 a (new)

Regulation (EU) 2016/794

Article 58 – paragraph 9

Present text

Amendment

9. For any building projects likely to have significant implications for Europol's budget, Delegated Regulation (EU) *No 1271/2013* shall apply.

(38 a) in Article 58, paragraph 9 is replaced by the following:

"9. For any building projects likely to have significant implications for Europol's budget, Delegated Regulation (EU) *No 2019/715* shall apply."

Amendment 26

Proposal for a regulation

Article 1 – paragraph 1 – point 38 b (new) – point a (new)

Regulation (EU) 2016/794

Article 60 – paragraph 4

Present text

Amendment

4. On receipt of the Court of Auditors' observations on Europol's provisional accounts for year N pursuant to ***Article 148 of Regulation (EU, Euratom) No 966/2012*** of the European Parliament and of the Council²⁵, Europol's accounting officer shall draw up Europol's final accounts for that year. The Executive Director shall submit them to the Management Board for an opinion.

(38b) Article 60 is amended as follows:

(a) paragraph 4 is replaced by the following:

"4. On receipt of the Court of Auditors' observations on Europol's provisional accounts for year N pursuant to ***Article 246 of Regulation (EU, Euratom) 2018/1046*** of the European Parliament and of the Council²⁵, Europol's accounting officer shall draw up Europol's final accounts for that year. The Executive Director shall submit them to the Management Board for an opinion."

²⁵ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

²⁵ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1.).

Amendment 27

Proposal for a regulation

Article 1 – paragraph 1 – point 38 b (new) – point b (new)

Regulation (EU) 2016/794

Article 60 – paragraph 9

Present text

9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, as laid down in **Article 109(3)** of Delegated **Regulation (EU) No 1271/2013**.

Amendment

(b) paragraph 9 is replaced by the following:

"9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for year N, as laid down in **Article 106(3)** of Delegated **Regulation (EU) 2019/715**"

Amendment 28

Proposal for a regulation

Article 1 – paragraph 1 – point 39 – point b

Regulation (EU) 2016/794

Article 61 – paragraph 2

Text proposed by the Commission

2. Europol may award grants related to the fulfilment of its objectives **and tasks** as referred to in **Articles 3** and **4**.”;

Amendment

2. Europol may award grants related to the fulfilment of its objectives as referred to in **Article 3** and **in accordance with its tasks as referred to in Article 4**”;

Amendment 29

Proposal for a regulation

Article 1 – paragraph 1 – point 39 – point b

Regulation (EU) 2016/794

Article 61 – paragraph 3

Text proposed by the Commission

3. Europol may award grants without a call for proposals to Member States for

Amendment

3. Europol may award grants without a call for proposals to Member States for

performance of activities falling within Europol's objectives and tasks.;

the performance of activities falling within *the scope of* Europol's objectives and tasks;

Amendment 30

Proposal for a regulation

Article 1 – paragraph 1 – point 41

Regulation (EU) 2016/794

Article 68 – paragraph 3

Text proposed by the Commission

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights.

Amendment

3. The Commission shall, by [three years after entry into force of this Regulation], submit a report to the European Parliament and to the Council, assessing the operational benefits of the implementation of the competences provided for in Article 18(2)(e) and (5a), Article 18a, Article 26 and Article 26a with regard to Europol's objectives. The report shall cover the impact of those competences on fundamental rights and freedoms as enshrined in the Charter of Fundamental Rights. ***It shall also provide a cost-benefit analysis of the extension to Europol's mandate.***

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Amending Regulation (EU) 2016/794, as regards Europol's cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol's role on research and innovation
References	COM(2020)0796 – C9-0401/2020 – 2020/0349(COD)
Committee responsible Date announced in plenary	LIBE 8.2.2021
Opinion by Date announced in plenary	BUDG 8.2.2021
Rapporteur for the opinion Date appointed	Niclas Herbst 14.1.2021
Discussed in committee	12.4.2021
Members present for the final vote	Rasmus Andresen, Robert Biedroń, Anna Bonfrisco, Olivier Chastel, Lefteris Christoforou, David Cormand, Paolo De Castro, José Manuel Fernandes, Eider Gardiazabal Rubial, Vlad Gheorghe, Valentino Grant, Elisabetta Gualmini, Francisco Guerreiro, Valérie Hayer, Eero Heinäluoma, Niclas Herbst, Monika Hohlmeier, Moritz Körner, Joachim Kuhs, Zbigniew Kuźmiuk, Ioannis Lagos, Hélène Laporte, Pierre Larroustou, Janusz Lewandowski, Silvia Modig, Siegfried Mureşan, Victor Negrescu, Andrey Novakov, Jan Olbrycht, Dimitrios Papadimoulis, Karlo Ressler, Bogdan Rzońca, Nicolae Ştefănuţă, Nils Torvalds, Nils Ušakovs, Johan Van Overtveldt, Rainer Wieland, Angelika Winzig
Substitutes present for the final vote	Mario Furore, Jens Geier, Henrike Hahn

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

40	+
ECR	Zbigniew Kuźmiuk, Bogdan Rzońca, Johan Van Overtveldt
ID	Anna Bonfrisco, Valentino Grant, Joachim Kuhs, Hélène Laporte
NI	Mario Furore
PPE	Lefteris Christoforou, José Manuel Fernandes, Niclas Herbst, Monika Hohlmeier, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Jan Olbrycht, Karlo Ressler, Rainer Wieland, Angelika Winzig
Renew	Olivier Chastel, Vlad Gheorghe, Valérie Hayer, Moritz Körner, Nicolae Ştefănuţă, Nils Torvalds
S&D	Robert Biedroń, Paolo De Castro, Eider Gardiazabal Rubial, Jens Geier, Elisabetta Gualmini, Eero Heinäluoma, Pierre Larrourou, Victor Negrescu, Nils Ušakovs
The Left	Silvia Modig, Dimitrios Papadimoulis
Verts/ALE	Rasmus Andresen, David Cormand, Francisco Guerreiro, Henrike Hahn

1	-
NI	Ioannis Lagos

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention